

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052456

International filing date (day/month/year)
06.10.2004

Priority date (day/month/year)
07.10.2003

International Patent Classification (IPC) or both national classification and IPC
B29C45/72, B29C49/64

Applicant
S.I.P.A. SOCIETA INDUSTRIALIZZAZIONE ...

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052456

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Items V, VII, VIII:

1 The following documents are referred to in this communication:

D1: US-A-6 143 225 (GALT JOHN R ET AL) 7 November 2000 (2000-11-07)

D2: US 2003/003187 A1 (CORAN MASSIMO ET AL) 2 January 2003 (2003-01-02)

2 Clarity (Item VIII)

The application does not meet the requirements of Article 6 PCT, because claims 1 and 2 are not clear.

2.1 Claim 1:

Line 1: The definition of the matter for which protection is sought is not clearly indicated (Rule 6.3 PCT). The general statement "A conditioning device for plastic items.." should be replaced by a more clear statement. A suggestion from the examining division is to use the formulation "A conditioning device for injection moulded plastic preforms for use in blow mould plants..". A basis for this can be found in the first paragraph of the description of the present application.

Lines 2 and 3: The feature "..cavities .. adapted for holding inside said preforms" does not correspond to the figures (see for example figure 9a). How can the preforms be held on the inside if they are then inserted in the conditioning device with the neck portion pointing outwards?

Line 1, 7, 8, 10 and 11: The examining division does not understand the phrase "..first and second bar are reciprocally joined onto each face by one or more .. plates .. plates being fastened to opposite ends with the first and the second bar, respectively.". According to figure 13, the faces are the two outer flat surfaces where the preform holders are attached.

- In figure 13 the bars are not attached to the faces as claimed in claim 1, but to the opposite sides of the plates compared to the faces.

- Definitions of the word "reciprocally" can for example be found on the following [www](http://www.wordreference.com/definition/reciprocally) address: <http://www.wordreference.com/definition/reciprocally>

None of these definitions of the word seems to make sense when used in the claim.

- If there is one face (see line 1): How can the bars be joined onto each face?
- If there are more than one face, for example two as in figure 13: How does claim one correspond to figure 13?

The applicant is invited to write a new clear claim 1 that corresponds to the description and the drawings. See also paragraphs 5.1 and 5.4

2.2 Claim 2 is not clear, as there is no definition of what is up and what is down on the items to be conditioned.

3 Novelty (and Inventive step (Item V))

In its current state the independent claim 1 and thereby the rest of the claims are not clear and understandable and thereby no opinion can be given regarding novelty and inventive step.

Interpreted in the light of figure 13 and as described in the description on page 9, line 10 - line 16; page 9, line 23 - line 26; page 9, line 31 - line 32; page 9, line 33 - page 10, line 3 and page 10, line 6 - line 8 the device and the process of the present application seem to be novel and inventive.

4 Industrial applicability (Item V)

Claims 1-12 are industrially applicable

5 Further remarks (Item VII)

5.1 During the search stage of the present application and of the preceding "application" RS110720, the claim 1 has been interpreted in the light of figure 13, where the conditioning device is a modular turret, where exchangeable plate(s) (17) work(s) as (a) base plate for the exchangeable plate(s) (14) containing the preferred set up of preform holders pointing in the opposite direction compared to plate(s) (14) and the two bars that are thicker than the plates (14, 17) are fixed in opposite ends of the plate(s) (17) on the

side opposite to the plate(s) (14).

5.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein. Further-on the state of the art document (PN2000A000006) introduced by the applicant is not in the appropriate "publication number" format (page 3 of the description).

5.3 The independent claim 8 is not in the two-part form (Rule 6.3(b)(ii) PCT).

5.4 The examining division suggests the applicant to: In the new independent claim 1 to be filed, to concentrate on the modular turret as shown in figure 13 and as described in the description on page 9, line 10 - line 16; page 9, line 23 - line 26; page 9, line 31 - line 32; page 9, line 33 - page 10, line 3 and page 10, line 6 - line 8.

When filing amended claim(s) the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 19, 34 PCT). In order to facilitate the examination of the conformity of the amended application with the requirements of Articles 19 and 34 PCT, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.